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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 1222 (1999) of 15 January 1999, in which the Security Council requested me to submit a report by 15 April 1999 on the progress of bilateral negotiations between the Republic of Croatia and the Federal Republic of Yugoslavia to resolve the disputed issue of Prevlaka, as well as on possible ways to facilitate a negotiated settlement, should the parties require such assistance. The present report covers developments since my report of 6 January 1999 (see S/1999/16).

2. The United Nations Mission of Observers in Prevlaka (UNMOP) consists of 27 United Nations military observers (see annex) headed by a Chief Military Observer, Colonel Graeme Williams (New Zealand). During the period under review, the UNMOP headquarters was relocated from Dubrovnik, where the United Nations presence in the area had been based since 1992, to Cavtat, which is located closer to the Mission's area of operations on Prevlaka. As a result of the relocation, the number of military observers was reduced from 28 to 27. It was expected that, following a period of consolidation, the relocation would allow UNMOP to streamline its operations, which in turn would permit a slight additional reduction in the number of military observers. However, developments in the region since 24 March 1999 have led the Mission to reconsider the proposed streamlining for the time being. UNMOP will continue to pursue this objective in the context of the current situation, including the possibility of further reducing the number of military observers, insofar as such reductions do not prejudice its operational activities. The current mandate of the Mission expires on 15 July 1999.

3. In accordance with its mandate, UNMOP continues to monitor the demilitarization of the Prevlaka peninsula and of the neighbouring areas in Croatia and the Federal Republic of Yugoslavia by carrying out vehicle and foot patrols on both sides of the border, except when prevented from doing so by restrictions of movement imposed by one party or the other. The Mission holds regular meetings with the local authorities in order to strengthen liaison, reduce tension, improve safety and security and promote confidence between the parties. The Chief Military Observer maintains contact with the authorities in

Zagreb and Belgrade in order to address issues arising from the implementation of resolution 1222 (1999). Cooperation between UNMOP and the multinational Stabilization Force is maintained through regular meetings.

II. SITUATION IN THE AREA OF RESPONSIBILITY OF THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

4. In the period between my report of 6 January 1999 (S/1999/16) and the commencement of the North Atlantic Treaty Organization's (NATO) military action against the Federal Republic of Yugoslavia on 24 March 1999, the situation in the UNMOP area of responsibility remained stable and free of significant tension. Since 24 March, tension has risen in the area, particularly in the Federal Republic of Yugoslavia (Montenegro). In the light of the security concerns arising from the NATO action, UNMOP military observers living in Herceg Novi were temporarily relocated to the Croatian side. Nonetheless, UNMOP continues to carry out limited patrolling on the Yugoslav side, with due consideration for the prevailing security situation.

5. As will be recalled, the area of responsibility of UNMOP consists of two United Nations-designated zones: a demilitarized zone (the so-called "Yellow Zone") and a United Nations-controlled zone (the so-called "Blue Zone"). Violations of both zones persisted during the period under review, including the standing presence of Yugoslav military personnel in the demilitarized zone and limitations placed on the free movement of the United Nations military observers by both parties. The continued presence of Yugoslav (Montenegrin) Border Police and Croatian Special Police in the demilitarized zone, as opposed to their presence in the United Nations-controlled zone, does not violate the security regime.

6. The most significant violation of the demilitarized zone is the continued presence of troops of the Yugoslav Army in the north-eastern part of the zone. Owing to long-standing constraints imposed by the Yugoslav authorities on the movement of United Nations military observers, UNMOP remains unable to ascertain the exact strength and armament of these units. The Yugoslav authorities, while denying unrestricted access to that area, had, until 24 March 1999, allowed escorted visits, along the main road only, when given a minimum of six hours' notice. On 10 March, the Yugoslav authorities provided a helicopter, which allowed the Chief Military Observer to survey much of the demilitarized zone from the air. No new military deployments were detected. Since 24 March, however, it has not been possible to patrol that area. On 9 April, an anti-aircraft gun was observed by UNMOP at Debeli Brijeg in the Federal Republic of Yugoslavia (Montenegro). The deployment of such a weapon in the demilitarized zone is a serious violation of the United Nations-mandated security regime that should be rectified immediately.

7. As mentioned in my last report (S/1999/16, para. 6), improved cooperation between Croatia and UNMOP during the preceding reporting period had led, inter alia, to improved access by UNMOP to Croatian positions in the north-western part of the demilitarized zone. While patrols were carried out in that area without obstruction after agreement was reached with the Croatian

authorities, the latter subsequently prevented UNMOP from patrolling in the northern part of the demilitarized zone on two separate occasions.

8. The long-standing violations of the demilitarization regime in the United Nations-controlled zone, as previously reported (see S/1999/16 and S/1998/939), continue unchanged. Approximately 25 Croatian Special Police are located at four positions and approximately 5 Yugoslav (Montenegrin) Border Police at two positions inside the zone.

9. On 15 January 1999, following an agreement reportedly reached between the Croatian authorities and the authorities of Montenegro, Croatia informed the Security Council that it had decided to "keep open permanently" crossing points at Debeli Brijeg, in the demilitarized zone, and at the tip of Cape Kobila in the United Nations-controlled zone (see S/1999/42). On 28 January, the Federal Republic of Yugoslavia informed the Council that it had sent a note to the Croatian Embassy in Belgrade stating that it was "opposed to a unilateral opening of any border crossing" on the grounds that opening border crossings between neighbouring countries presumed the existence of a joint agreement designating the location and regime of such crossings. As no such agreement had been concluded, it had therefore "rejected the proposal of the Republic of Croatia" (see S/1999/84). The opening of the crossing points has led to an increase in civilian traffic between Croatia and the Federal Republic of Yugoslavia (Montenegro), mostly through Debeli Brijeg.

10. While the opening of a crossing point at Debeli Brijeg does not constitute a violation of the demilitarized zone and was welcomed by the Security Council in resolution 1222 (1999) as a significant confidence-building measure in the normalization of relations between the two parties, the opening of a crossing point in the United Nations-controlled zone constitutes a violation of the security regime. The Croatian authorities continue to permit civilians, including Croatian and foreign tourists, to enter the area for recreational purposes and, in the case of local residents, for the purpose of crossing into the Federal Republic of Yugoslavia (Montenegro). The Montenegrin authorities, who until 20 January 1999 had not allowed any civilians to enter the United Nations-controlled zone, now permit local residents to do so for the purpose of crossing into Croatia. Further, the Croatian authorities have established a manned checkpoint in the United Nations-controlled zone near the already existing Montenegrin checkpoint. The establishment of both checkpoints and the presence of their personnel are violations of the United Nations-mandated security regime. As of 16 March 1999, the opening hours of the crossing point on Cape Kobila were reduced from 24 to 4 hours per day. As a result, UNMOP has been able to reduce its monitoring on Cape Kobila in proportion.

11. The waters of the United Nations-controlled zone continue to be violated frequently by Croatian and Yugoslav fishing boats and occasionally by Croatian police boats. Since 24 March 1999, there has been a marked decrease in the number of fishing and pleasure boats in the waters of Boka Kotorska and thus also in the waters of the United Nations-controlled zone.

12. In accordance with established procedure, UNMOP has continued to protest violations of both the demilitarized zone and the United Nations-controlled zone to the authorities in Croatia and the Federal Republic of Yugoslavia, including

the Republic of Montenegro, in order to encourage greater respect for the zones and to improve the freedom of movement of the United Nations military observers. UNMOP maintains the interpretation of the limits of the United Nations-designated zones as defined in reports of the Secretary-General to the Security Council since 1992, regardless of unilateral decisions by one party or the other not to respect the United Nations-mandated security regime.

13. During the reporting period, Croatian personnel have carried out demining along the road north of Dubravka in the demilitarized zone on the Croatian side. So far, however, neither Croatia nor the Federal Republic of Yugoslavia has put in place a comprehensive demining programme in the UNMOP area of responsibility. As a result, the situation of identified minefields in the area remains largely unchanged.

III. PROGRESS TOWARDS A NEGOTIATED SETTLEMENT

14. Both the Federal Republic of Yugoslavia and Croatia continue to indicate their willingness to resolve their dispute over Prevlaka through bilateral negotiations pursuant to the Agreement on Normalization of Relations signed by them at Belgrade on 23 August 1996 (see S/1996/706, annex). As previously reported, each Government has submitted a proposal for settling the dispute (see S/1998/533 and S/1998/632) and their negotiating teams have now held four rounds of talks: the first at Zagreb on 15 September 1998, the second at Belgrade on 9 October 1998, the third at Zagreb on 23 December 1998 and the fourth at Belgrade on 9 March 1999. In accordance with paragraph 4 of resolution 1222 (1999), in which the Council requested the parties "to report at least bi-monthly to the Secretary-General on the status of the negotiations", the Federal Republic of Yugoslavia and Croatia have provided me with their assessment of the status of the negotiations following their latest round of talks (see S/1999/291 and S/1999/313). To date, however, the parties have not made substantive progress towards a settlement of the dispute. Both have stated their intention to continue discussions through future meetings of their negotiating teams and through other bilateral contacts. The assistance of the United Nations in the search for a peaceful settlement of the issue has yet to be utilized.

IV. OBSERVATIONS

15. The opening of the crossing point at Debeli Brijeg is a welcome development. It has enabled residents of the two neighbouring countries to resume travelling, for business or for pleasure, to an area which, until recently, had been difficult to access. The benefits which could be anticipated to result from the opening of the crossing point, however, have yet to be fully realized. Although the crossing point remains open, the volume of traffic has been substantially reduced in recent weeks and the expected economic benefits will therefore take longer to materialize. An unhindered flow of traffic through Debeli Brijeg would constitute a significant confidence-building measure that would foster continued reconciliation between the two communities and contribute to the normalization of relations between the parties. It is my

sincere hope that a negotiated end to the current dispute in the Prevlaka area will enable the process of normalization of relations to continue.

16. Although the opening of the crossing point at Debeli Brijeg was protested by the Federal Republic of Yugoslavia as prejudging the outcome of the negotiations under way (see S/1999/84), the Yugoslav authorities have not intervened to close it. Nonetheless, as the opening of the crossing point did not result from a bilateral agreement between Croatia and the Federal Republic of Yugoslavia, I urge both Governments to regularize the existing situation in the context of their continuing bilateral negotiations concerning Prevlaka or through other contacts.

17. The opening of a local crossing point on Cape Kobila in the United Nations-controlled zone is a clear violation of the United Nations-mandated security regime. I regret this decision, which was taken in disregard for a regime which has been endorsed in successive reports of the Secretary-General, in resolutions of the Security Council and by the parties. The United Nations military observers report that the level of local traffic passing through the crossing point on Cape Kobila is negligible in comparison with the volume at Debeli Brijeg. Moreover, those persons transiting through the United Nations-controlled zone could easily use the crossing at Debeli Brijeg. This would suggest that the decision to open a crossing point on Cape Kobila was politically motivated, rather than intended to promote increased stability and freedom of movement in the area.

18. Under its mandate, UNMOP is obliged to record as a violation each unauthorized civilian entry into the United Nations-controlled zone, which includes the area of Cape Kobila, as well as the manned checkpoints of the Croatian and Montenegrin Border Police at that point. However, Croatia and the Federal Republic of Yugoslavia could, at their discretion, conclude a bilateral agreement to redefine the security regime in such a way that the opening of a crossing point in the United Nations-controlled zone did not result in a violation of the existing security regime. Until the United Nations has been officially informed by the parties that such an agreement has been reached, UNMOP will continue to report the operation of the crossing point on Cape Kobila as a violation of the security regime. In order to avoid such a violation, the crossing point could be closed until an agreement has been reached between Croatia and the Federal Republic of Yugoslavia.

19. I am encouraged that bilateral discussions between Croatia and the Federal Republic of Yugoslavia are continuing. However, it is extremely disappointing that substantial progress has still not been made even though more than six months have now elapsed since the initiation of negotiations on this issue and four rounds of talks have taken place. Once again, I urge the parties to negotiate constructively towards a peaceful resolution of their dispute. I recognize the limitations placed on this process by current events in the Federal Republic of Yugoslavia. These limitations, however, should not be used by one party or the other to achieve an objective outside the framework of bilateral negotiations as specified in their Agreement on Normalization of Relations. I urge both parties to show restraint and to maintain their resolve to seek a negotiated settlement. I also renew my earlier pledges (see S/1999/16, S/1998/939 and S/1997/1019) to place at their disposal the whole set

of instruments of the United Nations, including my good offices, should they require this assistance in their search for a peaceful settlement to their dispute.

20. While both parties have maintained regular contact with the Chief Military Observer and have generally continued to cooperate with UNMOP, the Mission has not been able to fully patrol its area of responsibility on either side. I therefore call upon the authorities of Croatia and the Federal Republic of Yugoslavia to allow United Nations military observers unrestricted access to all areas of the demilitarized zone at all times. It is readily apparent that UNMOP has, by its presence on the ground, played a key role in creating an environment within which a negotiated settlement can be reached. Its presence at this time serves additionally to minimize tensions that could develop as a result of events elsewhere in the region. I urge the parties to take full advantage of the stabilizing influence of UNMOP's presence in the area to pursue their discussions in a timely manner with a view to finding a mutually acceptable solution to their dispute and to continue to keep me informed of the progress of their talks, as requested by the Security Council in resolution 1222 (1999).

21. In conclusion, I would like to commend the Chief Military Observer and the men and women of UNMOP whose collective efforts continue to contribute to the maintenance of peace and security in their area of responsibility and who have assisted in the creation of conditions under which political negotiations could reach a successful conclusion.

Annex

Composition and strength of the military element of the United Nations Mission of Observers in Prevlaka as at 1 April 1999

Nationality	Number of military observers
Argentina	1
Bangladesh	1
Belgium	1
Brazil	1
Canada	1
Czech Republic	1
Denmark	1
Finland	1
Ghana	2
Indonesia	2
Ireland	1
Jordan	1
Kenya	1
Nepal	1
New Zealand	2
Nigeria	1
Norway	1
Pakistan	1
Poland	1
Portugal	1
Russian Federation	1
Sweden	1
Switzerland	1
Ukraine	1
Total	27